

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

N O V E M B E R 4 , 2 0 0 4

The regular meeting of the City Planning Commission convened Thursday, November 4, 2004, at 1:35pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Winn, Charles Greenberg,
Morton Stuhlbarg, Nick Sramek,
Mitch Rouse, Leslie Gentile

ABSENT: EXCUSED: Matthew Jenkins

CHAIRMAN: Morton Stuhlbarg

STAFF MEMBERS PRESENT: Greg Carpenter, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Jamilla Vollmann, Planner
Derek Burnham, Planner
Vickie Becker, Planner

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Otis Ginoza, Redevelopment Agency
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

Commissioner Gentile led the pledge of allegiance.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

Commissioner Greenberg expressed concern about taking action on Item 1A with only the word changes instead of the entire document, and suggested a continuation to give the Commission time to look at the entire project. Commissioner Sramek echoed the concern and said he wanted to see more information before making the suggested recommendation.

Otis Ginoza, Redevelopment Agency, said he would return with the original plan and proposed changes.

Mr. Mais added that the RDA only wanted the Commission to focus on the amendment's conformity to the General Plan.

Commissioner Greenberg moved to continue the item to the November 18, 2004 meeting. Commissioner Sramek seconded the motion, which passed 6-0. Commissioner Jenkins was absent.

Commissioner Greenberg moved to accept Items 1B, 1C, 1D, 1E, 1F and 1G as presented by staff. Commissioner Sramek seconded the motion, which passed 6-0. Commissioner Jenkins was absent.

1A. Poly High Redevelopment Project Area

Applicant: Redevelopment Agency, City of Long Beach
Project Contact: Johnny Vallejo
Subject Site: Poly High Redevelopment Project Area
(Council District 6)
Description: Proposed Ninth Amendment to the
Redevelopment Plan for the Poly High Redevelopment Project
Area.

Continued to the November 18, 2004 meeting.

1B. Mills Act Historic Property Contract

Applicant: Cultural Heritage Commission
Subject Site: 640 W. 8th Street (Council District 1)
Description: Mills Act Historic Property Contract

Recommended City Council approve the execution of a Mills Act Historic Property Contract.

1C. Mills Act Historic Property Contract

Applicant: Cultural Heritage Commission
Subject Site: 1345 Linden Avenue (Council District 1)
Description: Mills Act Historic Property Contract

Recommended City Council approve the execution of a Mills Act Historic Property Contract.

1D. Case No. 0404-13, EIR 36-02

Applicant: McDonnell Douglas Corporation
c/o Boeing Realty Corporation
Subject Site: 3855 Lakewood Boulevard (Council District 5)
Description: Adoption of Douglas Park Design Guidelines

Continued to the November 18, 2004 meeting.

**1E. Case No. 0410-11, Conditional Use Permit, Standards
Variance, CE 04-211**

Applicant: Bob Jackson; Robert & Patricia Friedman
Subject Site: 3300 E. Spring Street (Council District 5)
Description: Conditional Use Permit for the temporary
operation of a retail appliance store within the IG
(General Industrial) Zone.

Approved the Conditional Use Permit, subject to conditions.

1F. Case No. 0407-03, Condominium Conversion, CE 04-122

Applicant: Adrienne Bridges, ALS Consulting
Subject Site: 250 Pacific Avenue (Council District 2)
Description: Request for the approval of a Condominium
Conversion at Pacific Court-Pine Square, to convert an
existing 142-unit apartment into condominiums.

Approved the Condominium Conversion for Tract No. 51618, subject
to conditions.

1G. Case No. 0408-33, Conditional Use Permit, CE 04-181

Applicant: Cingular Wireless c/o Infranext
Authorized Agent, Gil Gonzalez
Subject Site: 1329 Gladys Avenue (Council District 4)
Description: A Conditional Use Permit to construct and
maintain a wireless telecommunications facility, consisting
of a 45-foot high monopalm antenna structure with
appurtenant equipment.

Approved the Conditional Use Permit, subject to conditions.

R E G U L A R A G E N D A

**2. Case No. 0406-18, Conditional Use Permit, Site Plan Review,
Zone Change, ND 20-04**

Applicant: Jim Fitzpatrick, c/o Martin Parker of
Pacific Planning Group
Subject Site: 4100 Cherry Avenue (Council Dist. 7)
Description: Request for approval of a Zone Change for a
portion of an existing self-storage facility from a
Regional Highway District (CHW) to a Commercial Storage
District (CS) and approval of a Site Plan Review and

Conditional Use Permit to expand the self-storage facility by adding floor area within the existing building.

Lynette Ferenczy presented the staff report recommending approval of the requests since there would be no exterior building changes, and because the zone change would provide consistency between the existing uses.

Karen Blankenzee, 23412 Moulton Parkway #140, Irvine, 92653, applicant's representative, stated that they agreed with all the conditions of approval, but asked that the hours of operation be adjusted to add a half hour Monday through Friday.

In response to a query from Commissioner Winn about the zoning history, Mr. Carpenter stated that the City made changes to self-storage regulations which put the applicant into a non-conforming state forcing them to come before the Planning Commission and City Council for a zone change to allow for expansion.

Commissioner Winn moved to certify Negative Declaration 20-04 and to recommend that the City Council approve a Zone Change from CHW (Regional Highway District) to CS (Commercial Storage) and to approve the Site Plan Review and Conditional Use Permit, subject to the amended conditions of approval regarding the hours of operation. Commissioner Greenberg seconded the motion, which passed 6-0. Commissioner Jenkins was absent.

3. Case No. 0407-23, Appeal, CE 04-220

Applicant: Marianne Pettys
Appellant: Gary Silva
Subject Site: 5300 Hanbury Street (Council Dist. 5)
Description: Appeal of Zoning Administrator's decision to approve variance requests to allow the construction of a 294 square foot accessory room attached to an existing garage (360 sq. ft.) and attached accessory room (144 sq.ft.) within the R-1-N zoning district (instead of the maximum allowable 300 sq.ft. combined accessory structure).

Vickie Becker presented the staff report recommending denial of the appeal since the site is physically unique and the addition would be isolated with no impact on the neighbors, and because positive findings could be made to support the variance request.

In reply to a query from Commissioner Gentile regarding the existing bathing facility, Mr. Carpenter stated that it was

required to be removed due to conversion concerns, and is planned as a half-bath only.

Gary Silva, 5312 E. Hanbury Street, appellant, stated he was opposed to the variance because he feared the addition would become an illegal rental and be precedent-setting.

Marianne Pettys, 5300 Hanbury Street, applicant, stated she only planned to use the addition for a teenager in school and that she had no intention to rent it out to strangers. In response to a query from Commissioner Winn, Ms. Pettys said they had decided not to add the room to the actual house because it would not fit into the recently remodeled house. Ms. Pettys also presented a neighborhood petition signed in favor of her request.

Rod Reynolds, 3941 Osler, neighbor, expressed support for the applicant, saying that she was a longtime area resident with a reliable and honest reputation while the appellant was a new resident.

Denise Silva, 5312 E. Hanbury, appellant's wife, stated she was opposed to the variance because of concerns about illegal rentals.

Commissioner Greenberg said that although he did see the precedent-setting aspects of the variance, the size of the lot was palatial and the addition fairly small. Mr. Greenberg added that the covenant to guard against illegal rental activity was adequate, potent and enforceable.

Commissioner Greenberg moved to deny the appeal and uphold the Zoning Administrator's decision to grant the variance requests.

Commissioner Winn agreed that there was sufficient protection in place against illegal rentals.

Commissioner Rouse seconded the motion, which passed 6-0.
Commissioner Jenkins was absent.

4. Case No. 0406-23, Administrative Use Permit, CE 04-127

Applicant: Pierre Ces
Subject Site: 1577 E. 7th Street (Council Dist. 2)
Description: Appeal of the Zoning Administrator's decision to approve an Administrative Use Permit to modify

the Conditions of Approval under a previous Special Use Permit to operate a self-service car wash.

Jamilla Vollmann presented the staff report recommending denial of the appeal since the zoning code does not permit expansion of a non-conforming use and because the plans approved with the Special Use Permit did not include the use of the adjacent Lot 9 as part of the car wash.

Commissioner Greenberg stated for the record that he had been contacted by the applicant's representative to look at the site, but had not made the meeting due to illness. Mr. Greenberg asked Mr. Mais to address the legal aspect of the scope of the original non-conforming use.

Mr. Mais observed that based on his review of the file the original intent was that Lot 9 remain vacant or be developed with a single family residence, and that the current problem was that the Special Use Permit made no reference to the issue at all.

Mr. Carpenter noted that the appellant, also the original owner of the lot, had at one point expanded the car wash without the necessary development approval. In response to a query from Commissioner Greenberg regarding allowable uses on the vacant lot, Mr. Carpenter said that office, retail, residential, mixed use and auto detailing would be permitted. Mr. Carpenter added that the applicant was also seeking retroactive approval of previous expansion.

Eduardo Olivo, 8255 Firestone Blvd., #210, Downey, 90241, appellant's representative, said he felt all three lots had been addressed by the original special use permit which is why his client believed he could use them all legally for the car wash operation. Mr. Olivo added that his client was willing to address neighborhood demands for landscaping and other complaints.

Themora Fishel, 1225 E. 8th Street, neighbor, said they had been trying to get the car wash owners to be more responsible and responsive to various loitering, trash and noise issues but had finally sought code enforcement assistance. Ms. Fishel said that in spite of these ongoing problems, the neighbors wanted to see the car wash stay because it provides a service to the area, but that they also wanted to see a legal structure in place to guarantee that landscaping and other issues would be addressed to the satisfaction of the neighbors.

In response to a query from Commissioner Greenberg asking theoretically if she felt Lot 9 would be better used as part of the car wash or left vacant, Ms. Fishel replied that it was okay to use as long as there were no loud machines, just a drying area with good landscaping.

Sunshine Daye, 726 W. 30th Street, San Pedro, 90731, adjacent property owner, agreed with Ms. Fishel's statement that as long as there were no loud machines and the area was well-landscaped and maintained with attention to lowering the noise level, she would support an expansion.

Mark Ces, 385 Bayside Drive, appellant's son, said he felt that Lot 9 made access to the lot easier for customers and was crucial to the operation's financial viability. Mr. Ces said they were willing to work with staff to meet appearance and landscaping objectives. In response to a query via Mr. Carpenter, Mr. Ces also agreed to hire a professional landscape architect to respond to public comment and create appropriate landscaping as long as they would be allowed to remove the raised curb planters.

Mr. Mais noted that the original special use permit would have to be adjusted to incorporate all three lots as permitted with conditions that Lot 9 be used for passive activities only.

Commissioner Winn moved to continue the item to the December 2, 2004 meeting to allow staff to return with adjusted findings to include the use of Lot 9; a requirement for a landscape architect, and to allow removal of the raised planters.
Commissioner Stuhlbarg seconded the motion.

Commissioner Sramek expressed support for the motion, but noted that he believed Lot 9 was intended to be residential, and that the appellant should not have ended up in front of the Commission due to code enforcement problems.

The question was called and passed 6-0. Commissioner Jenkins was absent.

5. Case No. 0408-18, Standards Variance, Local Coastal Development Permit, CE 04-166

Applicant: Robert Schneider c/o Michael Pauls
Appellants: Judith Cannavo, John and Marguerite Morel
Subject Site: 116 Termino Avenue (Council Dist. 3)

Description: Appeal of Zoning Administrator's decision to approve a Local Coastal Development Permit and Standards Variance for a second story home addition with a building height of 31 feet from grade (instead of not more than 25 feet).

Derek Burnham presented the staff report with the recommendation that the appeal be denied because the site is physically unique and the addition will be consistent with surrounding homes.

Judith Cannavo, 4000 E. 2nd Street, appellant, stated that similarly situated homes in the area had been denied height variances, and that with the block undergoing an historic designation process, such a variance could be precedent-setting. Ms. Cannavo also complained that the applicant did not want to compromise on the design.

Marguerite Morel, 125 Termino, appellant, added that in her opinion, lowering the requested height of the addition would not create hardship for the applicant, especially since no other area roofs had such an extreme pitch.

Michael Pauls, 203 Argonne Avenue #141, applicant representative, stated that they agreed with all the conditions of approval.

Robert Schneider, 116 Termino Avenue, applicant, added that the two-story addition he was requesting was the same as others on the street, but due to the slope of his lot, required a variance.

Paul Altomare, 5826 E. Naples Plaza, project architect, stated that the roof height was created by imitating the current roof line without changing too much of the existing home. In response to a query from Commissioner Greenberg regarding the use of a flat roof, Mr. Altomare stated that the roof had to slope to accommodate a normal height ceiling, and that the entire project was impacted by the theoretical grade which was so far below the actual grade.

In response to another query from Commissioner Greenberg regarding comparative sizes, Mr. Carpenter answered that this would be the largest or second largest home on the block as designed.

Commissioner Rouse pointed out that the attic as designed seemed higher than normal, and suggested a re-design to lower it so the project would not require such a significant variance.

Marlin McKeever, 4000 E. 2nd Street, neighbor, spoke against the variance and said he felt that the house as designed was out of proportion with similar homes on the street and would damage the unique aspect of the area.

Todd Brainard, 110 Termino, Crestmar Homeowners Association President, said that their group only objected to the size of the addition as designed, which they felt was insensitive to the adjacent neighbors, who would be losing light, air and privacy.

Linda Sarbo, 110 Termino #101, adjacent neighbor, objected to the request and stated that she would be most affected by the addition, which would totally block her view of the sky, causing loss of property value.

Michael Daly, 4012 E. Second Street, neighbor, also spoke in opposition to the project, saying it was an unnecessary and precedent-setting proposal.

Joyce Feldman, 117 Belmont, spoke in favor of the project, citing it as well-designed, compatible with the neighborhood, and similar in size to her home and others.

Glen Moeller, 100 Termino #1, also spoke in support of the applicant, saying that the addition was well-designed and would not affect neighborhood ambiance.

Alicia Ley, 203 Argonne #141, also spoke in favor of the variance request, noting that the addition was in conformance with all other development standards.

Marguerite Morel requested that the design be altered to lower the attic since it was not part of the living space, and since the small adjustment would make a big difference to adjacent neighbors.

In response to a query from Commissioner Gentile about lowering the roof height, architect Altomare explained that it had to be that high because the applicant wanted to keep the new roof at the same slope as the existing one.

Commissioner Greenberg observed that although the site was unique, he could not make the finding that this created a

hardship for the applicant since the addition as designed made it larger than most neighborhood homes. Mr. Greenberg said he would be willing to grant a smaller variance in line with the neighborhood input.

Commissioner Greenberg moved to continue the item to a date to be re-noticed to give the applicant time to return with a design reducing the variance required. Commissioner Rouse seconded the motion.

Commissioner Winn agreed that the 8'4'' attic was not necessary, and agreed that a compromise would be in order.

Commissioner Stuhlbarg disagreed, saying he felt the design was good, and the variance request reasonable given the unusual slope of the lot, and that the house was already dwarfed by the neighboring condominium.

Commissioner Sramek agreed, and added that he felt the proposed height change of three to four feet would not make that much of a difference.

The question was called and the motion passed 4-2, with Commissioners Sramek and Stuhlbarg dissenting. Commissioner Jenkins was absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

There were no matters from the Department of Planning and Building.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 5:35pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk